

## CHAPTER 45D. PEACE PLAZA

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45D.01. Definition. Subdivision 1. The term "Peace Plaza" used in this chapter shall be construed to include that portion of the vacated right of way of First Street SW located between First Avenue and Second Avenue, and the area located on the First Street right of way west of the alley running north and south between Broadway and First Street SW in the City of Rochester.

Subd. 2. The term "excessive noise" is defined as incessant or repeated sounds that have the effect of disturbing member(s) of the community or any sound in excess of 85 decibels.

45D.02. Jurisdiction. The Rochester Common Council shall control the operation, management, and regulation of the Peace Plaza and activities conducted therein. The Council may, by resolution, delegate the daily operation and event coordinating authority to a city department or non-profit organization. Such delegation shall be subject to any guidelines, policies and exclusive use permit criteria adopted by the Council.

45D.03. Rules of conduct. Subdivision 1. It shall be unlawful for any person while in the Peace Plaza to:

- A. fire or discharge any gun, pistol or other firearm, except for a law enforcement officer while engaged in law enforcement duties.
- B. throw any stones or missiles, or engage in any active sporting games.
- C. break, cut down or trample upon or remove, or in any manner injure or deface any statue, ornament, tree, plant, shrub, flower bed, curb, or any other public improvement.
- D. write on any building, structure, statue, fence, bench, rock or stone within such parks or parkways.
- E. use a skateboard, rollerblades or rollerskates, or drive, ride, or operate any bicycle, motorcycle, horse or other animal used for riding or pulling a vehicle, or any other vehicle, except for law enforcement, emergency response or City maintenance vehicles, or except as may be allowed by permit issued by the Common Council.

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- F. engage in the commercial sale or display of goods, merchandise, food or any other articles without having first obtained a permit for such activity, or without being under the authority of a permit issued by an event coordinator, which permit indicates it applies to all event participants. Permits for commercial sale and display shall be issued by the Common Council or its designee.
- G. post or affix any printed or written bill, sign, placard, notice or other paper upon any tree, structure or thing.
- H. make, continue, or cause to be made or continued, any excessive noise between the hours of 12 a.m. until 5 p.m. and 9 p.m. until midnight, Monday through Friday, or from 12 a.m. until 8 a.m. and 9 p.m. until midnight, Saturday and Sunday.
- I. place or install any permanent or temporary structures that unreasonably impede pedestrian traffic through the Peace Plaza during the hours of 8 a.m. to 5 p.m., Monday through Friday.
- J. establish a sidewalk café except under a permit issued pursuant to chapter 73B. A property abutting the Peace Plaza seeking a permit under chapter 73B shall be considered as if the property abutted a public street. Notwithstanding any provision of this section to the contrary, any sidewalk café permittee shall be entitled to sell alcoholic beverages for consumption on the premises listed in the permit so long as the applicable liquor license identifies the sidewalk café as a part of the “licensed premises.”
- K. utter loud, threatening or abusive or indecent language or any language tending to cause a breach of the peace.
- L. engage in any indecent, obscene or disorderly conduct.
- M. throw, deposit, place or dump, or cause to be thrown, deposited, placed or dumped, any garbage matter, trash or rubbish of any kind.
- N. possess or consume a container of an alcoholic beverage, except as may be allowed under this chapter or during an event for which a permit has been issued by the Common Council or its designee and for which an alcoholic beverage licensee has been approved for liquor distribution or sale subject to chapter 125A, and the licensee presents proof of financial responsibility.

- O. be present between the hours of 11:00 p.m. and 5:00 a.m. except when the presence is for attendance at a permitted event that is allowed during these hours or for the purpose of ingress and egress to an abutting commercial building.
- P. engage in smoking. The term “smoking” means the inhaling or exhaling of smoke from any lighted cigar, cigarette, pipe or any other lighted tobacco or plant product. “Smoking” also includes carrying a lighted cigar, cigarette, pipe, electronic cigarette, personal vaporizer, electronic nicotine delivery system, or any other lighted tobacco or plant product intended for inhalation (4138, 11/18/13)

Subd. 2. Penalty. Any violation of this section is a petty misdemeanor punishable by a fine not to exceed \$300.

45D.04. Permits for Exclusive Plaza Use. Permits for the exclusive use of the Peace Plaza or a portion of the Peace Plaza may be granted at the discretion of the Common Council or its designee, and no person shall in any manner disturb or interfere with any club or group occupying the ground under such permit without their consent. No such permits shall be issued except in compliance with those criteria adopted by the Council and all such permits shall be subject to any guidelines and policies also adopted by the Council. The Council shall by resolution establish permit fees that may be based upon the size and type of event. Any person or group denied a permit shall be entitled to a public appeal hearing before the Council.

(3866, 5/5/08; 4138, 11/18/13)